

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13831

PERMIT 8348

LICENSE 3857

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION, PURPOSE OF USE
AND PLACE OF USE

WHEREAS:

1. Petition for change in purpose of use, place of use, and points of diversion under License 3857 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. License 3857 was issued to Floyd Beffa and was filed with the County Recorder of Sonoma County December 15, 1953.
3. License 3857 was subsequently assigned to Raymond F. Duncan.
4. The Board has determined that these changes will not operate to the injury of any other legal users of water involved.

NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to change the purpose of use under said License 3857 to read as follows:

IRRIGATION, FROST PROTECTION, HEAT CONTROL

2. That permission is hereby granted to change the place of use under said License 3857 to read as follows:

POD #1	2.5 acres	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, T10N, R9W
	22 "	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ " " 27 " "
	8.5 "	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ " " " " "
	23 "	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ " " " " "
	9 "	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ " " " " "
Total	65 acres	

POD #2	8 acres	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T10N, R9W
	9 "	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ " " " " "
	7 "	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ " " " " "
	23 "	SW $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " " "
Total	47 acres	

Grand Total 112 acres all in MDB&M

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3. That permission is hereby granted to delete both points of diversion listed on License 3857 and add the following two new points of diversion on said License 3857:

#1 - NORTH 1,600 FEET AND EAST 100 FEET FROM SW CORNER OF PROJECTED SECTION 27, T10N, R9W, MDB&M, WITHIN THE NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 27.

#2 - NORTH 1,750 FEET AND EAST 2,250 FEET FROM SW CORNER OF PROJECTED SECTION 27, T10N, R9W, MDB&M, WITHIN THE NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 27.

Dated: AUGUST 22 1978

R. L. Rosenberger *for*

Clint Whitney, Executive Director
Water Rights and Administration

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13831

PERMIT 8348

LICENSE 3857

THIS IS TO CERTIFY, That

Floyd Beffa
Route 1, Box 192
Geyserville, California

Notice of Change (Over)

made proof as of June 16, 1952
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Russian River (underflow) in Sonoma County

tributary to Pacific Ocean

for the purpose of irrigation use

under Permit 8348

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from July 5, 1950; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed eleven hundredths (0.11) cubic foot per second to be diverted from about April 1 to about November 1 of each year, as follows: thirty-seven thousandths (0.037) cubic foot per second from point of diversion (1) and seventy-three thousandths (0.073) cubic foot per second from point of diversion (2).

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point S of diversion of such water are located (1) south five hundred ninety-eight (598) feet and east six hundred sixty (660) feet from $W\frac{1}{4}$ corner of Section 27, T 10 N, R 9 W, MDB&M, being within $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 27.

(2) south six hundred thirty (630) feet and east three hundred ninety (390) feet from $W\frac{1}{4}$ corner of Section 27, T 10 N, R 9 W, MDB&M, being within $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 27.

A description of the lands or the place where such water is put to beneficial use is as follows:

21 acres within $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 27, T 10 N, R 9 W, MDB&M
2 acres within $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 27, T 10 N, R 9 W, MDB&M
23 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein conferred subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the State shall have the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 17th day of December, 1953

A. D. EDMONSTON, State Engineer

By Harvey O. Banks
HARVEY O. BANKS
Assistant State Engineer



12-7-70 RECEIVED NOTICE OF ASSIGNMENT TO Arthur J. Nahlgren

12-5-75 RECEIVED NOTICE OF ASSIGNMENT TO Raymond T. Duncan

11-5-79 as to Peter Eckes, Inc.

9-26-80 as to Franciscan Vineyards, Inc.

LICENSE 3857

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Floyd Beffa

DATED

63376-53 3M SFO

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